

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 10-0116

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

SAMUEL AARON BELANGER,

Defendant and Appellant.

FILED

JUN 29 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

Koan Mercer, counsel for Appellant, respectfully requests an extension until August 11, 2010, in which to file the opening brief in the above-entitled matter. Counsel submits the attached affidavit in support of this request.

Counsel for the State has no objection to this extension request.

Respectfully submitted this 29th day of June, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
301 South Park, Room 568
P.O. Box 200145
Helena, MT 59620-0145

By: *Joselyn Hunt**gor* Koan Mercer

Assistant Appellate Defender

STATE OF MONTANA)
 : ss.

County of Lewis and Clark)

I, Joslyn Hunt, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office as the Chief Appellate Defender.

2. In that capacity, I supervise Koan Mercer who has been assigned to handle the above-entitled matter.

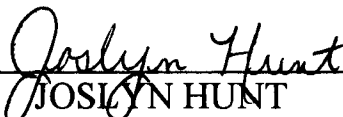
3. The opening brief in this matter was initially due June 9, 2010, and is presently due July 12, 2010.

4. Mr. Mercer will be unable to complete this brief in the previously allotted time because he has been out of the office on paternity leave for the past three weeks and will be out for training and leave for most of the next two weeks as well.

5. Mr. Mercer will continue to work diligently under my supervision to complete this matter in a timely manner.

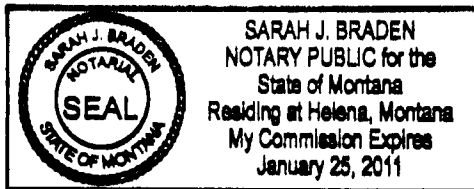
6. Opposing counsel has been contacted concerning this motion and does not object.

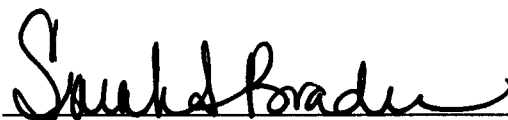
7. Further your affiant sayeth naught.



JOSLYN HUNT
Chief Appellate Defender

SUBSCRIBED AND SWORN to before me this 29 day of
June, 2010.





Sarah J. Braden
Notary Public for the State of Montana

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

ROBERT ZIMMERMAN
Sanders County Attorney
P.O. Box 519
Thompson Falls MT 59873

SAMUEL AARON BELANGER 2060357
Montana State Prison
700 Conley Lake Road
Deer Lodge, MT 59722

DATED: _____

6/29/2010

